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Record Item: Trial Testimony of...

File Unit: Civil Case #1333, *Davis et al v. County School Board of Prince Edward County, VA, et al.*, Box 126, Volume 2 (for Isidor Chein's testimony) or Volume 5 (for Mamie P. Clark, Horace B. English, Alfred McClung Lee, William H. Kelly, John Nelson Buck, and Henry E. Garrett's testimony), then the page number.

Series: Civil Case Files

Subgroup: Records of the U.S. District Court for the Eastern District of Virginia, Richmond Division

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ALFRED McCLUNG LEE, called as a witness by and on behalf of the plaintiffs, in rebuttal, being first duly sworn, testified as follows:

EXAMINED BY MR. CARTER:

Q Would you give your name, please?

A My name is Alfred McClung Lee.

JUDGE DOBIE: L-E-E?

THE WITNESS: L-E-E.

Q What is your present position?

A I am chairman of the Department of Sociology and Anthropology in Brookland College of the City of New York; also visiting professor of sociology in the graduate school of New York University.

Q Do you have previous teaching experience?

A Yes, I taught previously full time in New York University; for seven years I was chairman of the Department of Sociology and Anthropology in Wayne University, Detroit; before that, I was a teacher, assistant professor and associate professor at the University of Kansas; and I began my academic career at Yale.

Q What is your educational background?

A I went to public schools in Oakmont, Pennsylvania, near Pittsburgh; I received a B.A. and M.A. in sociology from the University of Pittsburgh; Ph.D. from

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Yale University; and then did some post graduate study at Yale.

Q Just name a few of the professional organizations, Dr. Lee.

A I am Vice President of the Society for the Study of Social Problems, and Chairman of the Standards Committee of the American Sociological Society; a member of the Ethnological --

JUDGE DOBIE: I guess that is enough, Doctor.

Q Have you published any articles and books?

A I have published approximately 70 articles and I have authored or co-authored 18 books.

Q What is your particular specialization?

A Mass communications and propaganda in their relationship to individual and social behavior.

Q Have you made a study of racial tensions?

A I have made several studies of racial tensions. I made a very detailed study of the race riot in Detroit, in 1943.

Q On the basis of your studies, it has been testified to by the defendants that when a situation moves from a non-segregated -- from a segregated to a non-segregated situation, that if Negroes and whites have contact, that this will produce tension. Is this observation correct

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on the basis of your own studies?

A     There is one illustration I could speak from in the case that was brought up by Dr. Kelly -- I believe it was Dr. Kelly, the Psychiatrist, this morning, who mentioned the case of Northwestern School. They call it a different name, but it is the Northwestern School, I believe, in Detroit.

6     The winter before I went to Detroit, it was a little incident at Northwestern School because in the fall, I believe, of 1941, the student population of Northwestern High School had rather suddenly changed from about 15 per cent Negro to about 35 per cent Negro. The principal at that time was a person unequipped to deal with delicate human relations problems and one incident took place. The principal was very quickly changed by the Board of Education in the city, and that was the end of any trouble there whatsoever.

My own sons entered the school in the fall -- one entered in the fall of '42 and another son a little later, and I have had many intimate contacts with the school there and I can assure you that the relationships between Negroes and whites in the grade schools and junior high school and high school on the Northwestern School campus were amazingly fine.

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Q As the result of your studies, Dr. Lee, of the problem of the causes of racial tension, are you able to tell us whether these tensions are more likely to be created in a segregated, rather than in a non-segregated, situation?

A Well, it came out very dramatically in the case of the Detroit race riot, in '43. We made a careful check of those who were determined to have taken part in rioting, actual rioting. Overwhelmingly, the persons who took part in rioting were persons from segregated districts.

BY JUDGE DOBIE:

Q You mean segregated residentially?

A Segregated residential districts, that is right.

Our Wayne University, which is a large municipal university, located in the center of Detroit, right at the cross-roads of Detroit, as it were, and at that time there were some 10 or 12 thousand students, at least a thousand Negro students among them. Our students had a very anti-riotous influence, because there had never been any instance along racial lines on our campus and the students had been conditioned by going to school together toward fine patterns of human understanding. We observed

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many instances where they helped to offset rioting conditions during this extensive riotous situation in Detroit

BY MR. CARTER:

Q One final question, Dr. Lee. As a student of racial tensions, I do not know whether you have heard or not, but the testimony has been given here by the defendants that if this Court issues a decree abolishing segregation in the public schools in Virginia, that the education of whites and Negroes will be set back 50 years. Would you care to comment on that?

A There are several ways I could comment on it. In the first place, the idea of setting education back 50 years is a typical comment. Something has been going to be set back 50 years for hundreds of years. This argument was used against the abolition of slavery; it was used in England against giving privileges to the Cockneys; it was used in Ireland against treating the Irish as human beings; it was used before that in Wales to keep the Welsh from being treated like human beings. I mean, every possible step to improve the lot of the downtrodden has always been objected to on the grounds that any change in the status quo would set back something 50 years. It is a nice

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round number and in propaganda you always have nice round numbers.

#### CROSS EXAMINATION

BY MR. MOORE:

Q Doctor, I would just like to find out the answer to one question. What is the extent of your experience in educational lines in the South, and particularly in Virginia?

A Well, my first ancestor came to Virginia in 1610. Many others came to Virginia after that.

Q We are much more interested in you than in this 1610 ancestry. What is the extent of your experience in Virginia and the South?

A I have spent a number of summers on a farm 25 miles south of here; I have spent considerable time in Kentucky, Colorado, and parts of Texas. I do not know how much this would all add up to, all together, but I would suppose it would be several years, at least.

Q Have you ever had any experience in teaching or in educational work in Virginia or in the South?

A As a matter of principle, I will not teach in a segregated school.

Q You think that is a complete answer to my ques-

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tion?

A That is; yes.

Q You intend it to be?

A I was offered a job at the University of Texas.  
I turned it down on that basis.

BY JUDGE DOBIE:

Q The answer to his question, I take it, is no.

A No. Yes, sir.

MR. MOORE: That is fine. That is all.

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MR. CARTER: We rest.

JUDGE DOBIE: You rest?

MR. CARTER: Yes, sir.

JUDGE DOBIE: Do you wish to argue this case now?

MR. MOORE: May it please the Court, could we  
have about a 10-minute recess. We may want to re-  
call one witness, just for two or three questions.  
We cannot be in the midst of the Court trial and at  
the same time talk with the witness.

JUDGE DOBIE: All right, we will take a recess  
for 10 minutes.

(A 10-minute recess was taken.)



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AFTER RECESS

JUDGE DOBIE: Do I understand you wish to put on a witness?

MR. MOORE: No, sir, we rest.

JUDGE DOBIE: All right. How long do you wish to argue this? Will half an hour be enough?

MR. MOORE: I think half an hour will be sufficient on our side.

JUDGE DOBIE: All right, one more question. Do you wish to file briefs? The Court does not require them at all. If you wish to file them, we will be glad to have them.

MR. MOORE: We will be perfectly glad to submit the case without briefs. Your Honors are all so familiar with this matter --

JUDGE DOBIE: I doubt if they would be very helpful, in the light of all things, but if you wish to submit them, all right.

How do you feel?

MR. ROBINSON: We are perfectly willing to submit briefs.

JUDGE DOBIE: Do you want to submit a brief?

MR. ROBINSON: We sort of had the idea maybe it would be somewhat helpful to the Court.

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JUDGE DOBIE: How long do you want?

MR. ROBINSON: For argument?

JUDGE DOBIE: No. As to briefs.

MR. ROBINSON: If Your Honor please, I would suggest that so far as our opening brief is concerned, about the 1st of April. The reason I am asking that is because the case has taken some time and its preparation has taken a long time, and March 15th is coming up with other commitments.

MR. MOORE: We object to any such delay as that. We would much prefer to submit the case without briefs.

JUDGE DOBIE: I think the 1st of April is pretty long. Couldn't you shorten it if you wish to submit briefs?

MR. ROBINSON: I was thinking in terms, sir, it would probably be about the middle of the month before we got under way. How about March 20?

MR. HILL: The reason we suggested April 1, we have to go into another one of these trials next month, that is in March, and we do have to practice law for a living.

JUDGE DOBIE: I understand that. Suppose we say the 20th of March.

MR. MOORE: Why not just submit it without briefs?

JUDGE DOBIE: They are not willing to do that.

MR. ROBINSON: All right, we will do that.

JUDGE DOBIE: All right. Submit it without  
briefs.

All right, you may open for the plaintiffs.

### SUMMATIONS

MR. ROBINSON: May it please the Court, from the very beginning, I believe both the plaintiffs and the defendants have considered that there are two big issues in this case, two big questions, I should say, because it seems to me that the whole thing boils down to one issue and that is whether or not racial segregation will be permitted to continue in Prince Edward County, Virginia.

Certainly there have been two big questions. One is the question of what we now have in the county in the way of educational advantages, opportunities, and the facilities, respectively afforded Negro and white pupils; the other question is whether or not there are effects of the practice of racial segregation in that county which, as a matter of law, should cause this Court to enter an injunction against its continuance.

I am going to address myself in the time allotted